

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS**

DUSTIN PATINO, *individually and on  
behalf of others similarly situated,* §  
§  
§

Plaintiff, §  
§  
§

v. §  
§  
§

LIGHTNING OILFIELD SERVICES, §  
INC. and MARK WADDEL, §  
§  
§

Defendants. §  
§

Civil Action No. 3:16-CV-1104-M

**SHOW CAUSE ORDER**

The Court previously ordered Plaintiff to file, no later than December 9, 2016, a Motion for Notice and Conditional Certification. *See* First Phase of Scheduling Order dated 11/18/16 [ECF #13]. Plaintiff has failed to timely file the required Motion and has not otherwise taken any action to advance the disposition of this putative collective action brought under the Fair Labor Standards Act, 29 U.S.C. § 216(b). Therefore, the Court ORDERS Plaintiff to file a written response to this Show Cause Order **no later than January 23, 2017** and SHOW CAUSE as to why sanctions should not be imposed for the failure to comply with the Court's prior Order. *See* Fed. R. Civ. P. 16(f) & 41(b) (authorizing dismissal of an action as a sanction for failure to comply with scheduling or other order); *see also Boudwin v. Graystone Ins. Co., Ltd.*, 756 F.2d 399, 401 (5th Cir. 1985) (recognizing that a court may *sua sponte* dismiss an action under Rule 41(b)).

**SO ORDERED.**

Dated: January 9, 2017.

  
BARBARA M. G. LYNN  
CHIEF JUDGE